

## 2012 CONSTITUTION DAY ESSAY CONTEST

**In your opinion, does the U.S. Constitution ban potential employers from requiring you to provide passwords to your social media accounts, such as Facebook and Twitter, as part of a background check for a job? Should school administrators be permitted to ask for your passwords? Is that different from a potential employer making that request? Use examples.**

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Employers want to collect as much information as possible to screen applicants for jobs, especially to make sure there are no risks of bad behavior if that person is selected to join their workforce. A job application and a resume are helpful, but are there better sources of information about you? How about your Facebook account or your Twitter feed?

These days, millions of people, young and old, use *social networking* to get to know people. They share thoughts, photos, comments and ideas, to express emotions and find support from other people. Now, some employers want access to applicants' private social media accounts. They believe that what an applicant says or posts on social media -- and who their "friends" are -- tells them important things about whether an applicant is suitable for the job.

The media recently have reported instances where employers who want to check up on "online behavior" have asked job applicants for their user names and passwords to social media accounts. And they report that the practice is becoming more common.

- An applicant for a job as a corrections officer in Maryland was asked for his Facebook user name and password during a security interview. The interviewer - who said he wanted to make sure the applicant wasn't affiliated with gangs - went through this man's messages, his wall and his friends list and photos. The man felt this violated his privacy and his friends' privacy.
- In New York, a statistician applying for a job was asked to log on to her social media account so the interviewer could take a look. This practice of "shoulder-surfing" was the same technique used in the Maryland case and has been opposed by the American Civil Liberties Union which called it an invasion of privacy.
- Lawmakers in Illinois and Maryland, and two US senators, are working on laws that would make it illegal for employers to ask for user names and passwords. And the senators have asked the US

attorney general to investigate whether employers who ask for user names and passwords are violating federal law.

- At the University of North Carolina, each athletic team must appoint one coach or administrator to have access to student athletes' social media accounts so that they can be monitored.

Employers say that asking for access to social media accounts is not an invasion of privacy or a violation of constitutional rights. If you refuse to provide the information, you are out of the running for the job. However, if you already have a job, some experts say that you do have a right to privacy when it comes to your social media accounts.

Consider this statement in a recent column in the Washington Post:  
*"While everyone values the importance of privacy, we now live in an era where cyber behavior can have a huge impact on the real world and, as a result, social media screenings will become a fact of life."*

***Some things to think about:***

- If you don't have anything to hide, why don't you just voluntarily hand over your password?
- Is the demand acceptable if the employer has made it clear on a job application that you will be asked for your user name and password as a condition of employment?
- In the age of terrorism, what about employers who have concern about security? Doesn't that justify asking for your password?
- If you don't want to give out your password, are you willing to have a potential employer stand behind you and watch while you scroll through your private Facebook account? Is such that "shoulder-surfing" an acceptable compromise for you?
- In today's internet world, and expert hackers, is it naïve to think that anything that you post is really private? Can you really have an expectation of privacy in 2012?

## **RESEARCH MATERIALS:**

### **US Constitution**

<http://1.usa.gov/krfjhl>

### **The New York Times: Senators Question Employer Requests for Facebook Passwords**

[http://www.nytimes.com/2012/03/26/technology/senators-want-employers-facebook-password-requests-reviewed.html?\\_r=1&scp=1&sq=access%20to%20Facebook%20password&st=cse](http://www.nytimes.com/2012/03/26/technology/senators-want-employers-facebook-password-requests-reviewed.html?_r=1&scp=1&sq=access%20to%20Facebook%20password&st=cse)

### **The Portsmouth Herald: Can an employer ask for your Facebook password?**

<http://www.seacoastonline.com/articles/20120507-BIZ-205070302>

### **United Press International: Schools want access to Facebook profiles**

[http://www.upi.com/Technology\\_News/2012/03/06/Schools-want-access-to-Facebook-profiles/UPI-68471331051800/?rel=54501332521319](http://www.upi.com/Technology_News/2012/03/06/Schools-want-access-to-Facebook-profiles/UPI-68471331051800/?rel=54501332521319)

### **The Washington Post: Learn the Legal Implications before asking for Facebook logins**

[http://www.washingtonpost.com/business/on-small-business/learn-the-legal-implications-before-asking-for-facebook-logins/2012/04/09/gIQAGE5B7S\\_story.html](http://www.washingtonpost.com/business/on-small-business/learn-the-legal-implications-before-asking-for-facebook-logins/2012/04/09/gIQAGE5B7S_story.html)

### **Bucknell University: Employers defy personal boundaries by asking for passwords**

<http://bucknellian.blogs.bucknell.edu/2012/04/10/employers-asking-for-fb-password/>

### **Annenberg Classroom: Should employers be able to ask for employees' Facebook passwords?**

<http://www.annenbergclassroom.org/speakout/should-employers-be-able-to-ask-for-employees-facebook-passwords>

### **Trend Watch: Employers Asking Candidates for Facebook Passwords**

<http://www.pcmag.com/article2/0,2817,2401999,00.asp>

**From POLITICO: Dem: Facebook passwords off-limits**

<http://www.politico.com/news/stories/0312/74325.html>

**National Public Radio: Resume, Cover Letter and Your Facebook Password?**

<http://www.npr.org/2012/03/21/149091139/resume-cover-letter-and-your-facebook-password>

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